IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITIN NO.5898 OF 2006

Swadeshkumar B. Agarwal & Ors. ....Petitioners
V/s.
Avinash B. Deshmane ....Respondent

Mr.L.M. Acharya for the Petitioners.

CORAM : S.J. VAZIFDAR, J.
DATED : 23RD JANUARY, 2007.

P.C. :

1. Rule. Rule returnable and heard forthwith.

2. By an order dated 5.9.2006, it was stated that the Petition may be disposed of at the stage of admission. By the impugned order, the learned Judge has rejected the application for taking his written statement on record. It is true that there is considerable delay on the part of the Petitioners in filing the written statement. No written statement order was passed on 26.7.2005.

3. It appears that the Petitioners were pursuing an application under order 7 rule 14 of the C.P.C. oblivious of the fact that the same could not prevent them from filing the written statement. Further the

ends of justice would be met by affording the Petitioners one more opportunity of filing the written statement on payment of costs. In addition thereto, the Petitioners have also deposited in the trial Court Rs.25,000/- without prejudice to their rights and contentions. The same shall remain deposited to the credit of the suit. The trial Court shall invest the same in fixed deposit of a nationalized bank initially for a period of one year and thereafter for like periods of one year each. The Petitioners shall be entitled to file the written statement within two weeks from today subject to payment of costs fixed at Rs.1500/-.

4. The Rule is made absolute accordingly.